



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF CPR R-&C- LLC

DATE: SEPT. 28, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a remediation service, seeks to permanently employ the Beneficiary in the United States as a network administrator under the immigrant classification of advanced degree professional. *See* Immigration and Nationality Act section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Director, Nebraska Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The Form I-140 petition was filed on February 4, 2016. The petition was accompanied by an ETA Form 9089, Application for Permanent Employment Certification, which was filed with the Department of Labor (DOL) on April 28, 2015, and approved by the DOL (labor certification) on October 15, 2015.

On May 17, 2016, the Director denied the petition on the ground that the Petitioner did not establish its continuing ability to pay the proffered wage of the job offered from the priority date of the petition (April 28, 2015) up to the present.

On June 15, 2015, the Petitioner filed a timely appeal on Form I-290B. In Part 3 of the Form I-290B the Petitioner indicated that a brief and/or additional evidence would be submitted to us within 30 days. Part 4 of the Form I-290B instructed the Petitioner, in pertinent part, as follows:

On a separate sheet of paper, **you must provide a statement** regarding the basis for the appeal or motion. You must include your name and A-number or USCIS ELIS Account Number on the top of each sheet.

Appeal: Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed.

Despite these instructions on the Form I-290B, the only statement the Petitioner provided with the appeal was a short letter from counsel stating that "additional evidence will be submitted to the AAO within 30 calendar days." No such evidence was submitted within 30 days, however, or any time up to the date of this decision. No further evidence has been received since the Petitioner's appeal was filed.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed “when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

In this case the Petitioner has identified neither any erroneous conclusion of law nor any erroneous factual findings in the Director’s decision. The Petitioner has not provided any additional evidence to be considered on appeal. In accordance with 8 C.F.R. § 103.3(a)(1)(v), therefore, we will summarily dismiss the appeal.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of CPR R-&C- LLC*, ID# 86124 (AAO Sept. 28, 2016)